

REMARKS

Applicants acknowledge with appreciation the withdrawal of the prior rejection, and the indication of the allowance of dependent Claim 4 when presented in independent form.

In an effort to expedite prosecution, the subject matter of original dependent Claim 4 has been incorporated into independent Claim 1. Dependent Claim 4 has been amended to recite the particularly preferred thickness for the protective film of lithium nitride that is formed on at least one surface of the separator. Support for this amendment is found at Page 5, lines 7 and 8 of Applicants' Specification.

The continued rejection of Claims 1 and 5 under 35 U.S.C. §102(b) or 35 U.S.C. §103(a) over the different teachings of newly cited U.S. Patent No. 4,888,258 to Desjardine et al. would be inappropriate. The concept of Applicants' contribution is lacking in the reasonably derived teachings of the reference. Desjardine et al. mixes Li_3N with the electrode material. Applicants form a protective layer of lithium nitride on at least one surface of the separator. The subject matter of original dependent Claim 4 that was indicated to be allowable has been incorporated into Claim 1. The other claims depend from Claim 1 and likewise are in condition for allowance. The withdrawal of the rejection of the claims is urged to be in order and respectfully is requested.

If there is any remaining point that requires clarification prior to the allowance of the Application, the Examiner is urged to telephone the undersigned attorney so that the matter can be discussed and promptly resolved.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

By: Benton S. Duffett, Jr.
Benton S. Duffett, Jr.
Registration No. 22,030

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: September 11, 2006